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MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Standards of Official Conduct
Stephanie Tubbs Jones, Chairwoman
Doc Hastings, Ranking Republican Member 
SUBJECT: Member Participation in Certain Events Taking Place
During a National Political Convention

The purpose of this advisory memorandum is to provide guidance to Members on the new provision of the House Rules (clause 8 of House Rule 25) that prohibits Member participation at certain events held during a national political convention.¹ The provision provides as follows:

During the dates on which the national political party to which a Member (including a Delegate or Resident Commissioner) belongs holds its convention to nominate a candidate for the office of President or Vice President, the Member may not participate in an event honoring that Member, other than in his or her capacity as a candidate for such office, if such event is directly paid for by a registered lobbyist under the Lobbying Disclosure Act of 1995 or a private entity that retains or employs such a registered lobbyist.

Under this provision, a Member may not "participate^[2] in an event honoring that Member" if the event takes place during a national political convention, other than to participate in the Member's capacity as a candidate for President or Vice President, and when certain other criteria are met. Member participation prohibited under the provision is for an event where the Member is named, including through the use of any personal title, as an honoree (including as a "special guest") in any invitations, promotional materials, or publicity for the event. Member participation also would be prohibited if the Member were to receive, through the Member's participation in the event, some

¹ See The Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81, § 305, 121 Stat. 735, 753 (Sept. 14, 2007).

² The term "participate" is not defined in the underlying Act or the House rule. In the Committee's view, the prohibition on participation in the events that are the subject of the provision concerns Member attendance at the event. Members should contact the Committee with any questions regarding whether activities other than attendance may constitute participation in such events.

special benefit or opportunity that would not be available to some or all of the other participants, such as if the sponsor were to offer the Member an exclusive speaking role or a very prominent ceremonial role.

According to the legislative history of this provision, the restriction set forth above is intended to have the “effect of preventing lobbyists or an entity employing such lobbyists from directly paying for a party to honor a *specific* Member.”³ Thus, an event that is organized to honor a delegation or caucus, without naming any specific Member of the delegation or caucus, or providing any special benefit or opportunity to a particular Member, would be an event that Members may participate in under clause 8 of House Rule 25 – provided that, as discussed below, attendance at the event otherwise would be in compliance with clause 5 of House Rule 25 (the gift rule). There is no numerical requirement on the size of the delegation or caucus participating in the event. Furthermore, a Member would not be prohibited from participating in an event taking place during a national convention if the Member’s name appears, for example, in a listing of the names of the honorary host committee members for the event if that listing includes the names of non-congressional host committee members.

The provision is very specific in prohibiting Member participation in an event that is “directly paid for” by a lobbyist or private entity that retains or employs lobbyists. The fact that a private organization received some of its funding for an event taking place during a national convention from a lobbyist or private entity that retains or employs lobbyists, by itself, would not disqualify a Member from participating in the organization’s event.

The provision also states that Member participation is prohibited only at certain events taking place “[d]uring the dates” on which a national convention is held. Accordingly, the rule does not prohibit Member participation in an event that takes place on a date other than the dates on which the national convention is held.

It is important to note that the provision does not establish a new type of event for which free attendance may be accepted under the gift rule. In other words, a Member may accept an offer of free attendance at an event taking place during a national political convention only in accordance with the gift rule – that is, the event is a reception or it satisfies all of the criteria of a widely attended event, a charity event, or a fundraising or campaign event sponsored by a political organization. As it has in previous Presidential election years, the Committee will be reissuing guidance in 2008 that addresses the rules and standards relating to Member and staff activities at the national political conventions.

Any questions on these matters should be directed to the Committee’s Office of Advice and Education at extension 5-7103.

³ 153 Cong. Rec. E1759 (daily ed. Aug. 4, 2007) (statement of Rep. John Conyers, Jr.) (emphasis added).